IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.1381 OF 2002

Shri Gulam Sabbir Hussain Qureshi ..Plaintiff
Vs.
Shri Samir Kundu & Anr. ...Defendants

Mr. A.G.Damle for Plaintiff
Mr. Jayesh Vyas i/b. Bilawala & Co. for Applicant
Mr. B.R.Dalal for Defendant No.2

CORAM: SMT.R.S.DALVI,J.
DATED: 1ST JULY, 2005

P.C.

1. The Defendants have taken out this Notice of Motion stating that the Plaintiff has committed contempt of this Court by producing a false and fabricated General Power of Attorney. The Defendants also pray for sending the Power of Attorney to a Handwriting Expert for verification of the appropriate signature.

2. The Power of Attorney is stated to have been executed by the Defendants. The Attorney under the Power of Attorney is represented though the Defendants are not. But the Plaintiff cannot be taken to have produced a false and fabricated Power of Attorney.

3. Upon the Attorney representing the Defendants, Consent terms were filed in this suit. I am told that the Defendants have been paid in terms of the Consent Terms. There is nothing to show fabrication of the Power of Attorney by the Plaintiff.

4. It is contended on behalf of the Defendants

that consent terms were filed behind his back. Even if it is so the Defendants may take out their application for setting aside the consent terms. However, prayer as prayed for in this Notice of Motion cannot be granted.

. No order under Notice of Motion. No order as to costs.

(SMT.R.S.DALVI,J.)